

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

No. 13 Civ. 3477 (AKH)

Target Corporation et al.,
Plaintiffs,

v.

Visa Inc. et al.,
Defendants.

No. 13 Civ. 4442 (AKH)

7-Eleven, Inc. et al.,
Plaintiffs,

v.

Visa Inc. et al.,
Defendants.

JOINT STIPULATION CONCERNING PRETRIAL SCHEDULE

WHEREAS, the above-captioned actions were recently remanded to this Court for trial, having completed pre-trial proceedings in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 05-md-1720 (MKB)(JAM);

WHEREAS, on August 7, 2024, the Court ordered that trial will begin on October 20, 2025 and that three plaintiffs from the *7-Eleven* Action (Circle K, the Gap, Inc., and Marathon Petroleum Company LP) and three plaintiffs from the *Target* Action (Macy's, Inc., Target Corporation, and the TJX Companies, Inc.) will present their claims at trial (*see* ECF No. 59 in the *7-Eleven* Action and ECF No. 140 in the *Target* Action);

WHEREAS, on September 25, 2024, the Court so-ordered the parties' Joint Stipulation Concerning Expert Substitution and Supplementation (ECF No. 82 in the *7-Eleven* Action and ECF No. 175 in the *Target* Action);

WHEREAS, the parties have agreed to a schedule for remaining pretrial procedures that includes certain amendments to the supplemental expert discovery schedule;

NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE to the following pretrial schedule:

November 1, 2024	Deadline to serve rebuttal expert reports other than Messrs. Kaplan and Harvey
November 15, 2024	Defendants' deadline to serve Kaplan and Harvey rebuttal expert reports
November 18, 2024	Defendants' deadline to serve back-up materials for Kaplan and Harvey rebuttal expert reports
December 20, 2024	Deadline for the parties to complete depositions of experts submitting supplemental reports and/or supplemental rebuttal reports
January 6, 2025	Parties exchange initial good faith witness lists (by noon); Submit Joint Agenda for January 8 conference
January 24, 2025 – May 30, 2025	Parties may take depositions of newly disclosed, previously undeposed fact witnesses
March 28, 2025	Parties exchange good faith exhibit lists
May 12, 2025	Parties exchange objections to good faith exhibit lists
June 25, 2025	Parties exchange supplemental/modified witness and exhibit lists; Parties exchange deposition designations for depositions taken by May 30, 2025
July 1, 2025 – August 8, 2025	Parties may take depositions of newly disclosed, previously undeposed fact witnesses, if any ("Supplemental Depositions") ¹
July 15, 2025	Parties exchange objections to newly served exhibits
July 18, 2025	Parties serve motions in limine
July 25, 2025	Parties exchange counter-designations of depositions taken by May 30, 2025
July 31, 2025	Parties exchange required components of joint pretrial order
August 8, 2025	Deadline to conclude all supplemental fact discovery and disclosures

¹ While this period is primarily intended for depositions of witnesses first disclosed in supplemental/modified witness lists, the parties may also depose third-party witnesses as needed.

August 14, 2025	Parties exchange deposition designations for Supplemental Depositions
July 31, 2025 – August 25, 2025	Parties negotiate objections to components of pretrial order
August 25, 2025	Parties exchange drafts of voir dire, jury instructions, and verdict form
August 27, 2025	Parties exchange counter-designations for Supplemental Depositions
August 28, 2025	Deadline for responses to motions in limine
September 4, 2025	Parties exchange reply deposition designations and objections to counter-designations (for all depositions); Parties exchange FRE 1006 exhibits
September 8, 2025	Submission of joint pretrial order (including deposition designations, counter-designations and objections, and reply designations and objections to counter-designations; exhibit lists with objections and stipulations; and stipulated facts); Parties submit respective proposed voir dire, jury instructions, and verdict forms; Motions in limine fully submitted
September 11, 2025	Deadline for objections to FRE 1006 exhibits

Dated: November 4, 2024

Respectfully submitted,

On Behalf of Plaintiffs:

SHINDER CANTOR LERNER LLP

/s/ Jeffrey I. Shinder
Jeffrey I. Shinder
Matthew L. Cantor
David A. Scupp
14 Penn Plaza, 19th Floor
New York, New York 10122
(646) 960-8602
jeffrey@scl-llp.com
matthew@scl-llp.com
david@scl-llp.com

CONSTANTINE CANNON LLP

/s/ A. Owen Glist
A. Owen Glist
Ankur Kapoor
Taline Sahakian
6 E. 43 Street
New York, NY
(212) 350-2700
oglist@constantinecannon.com
akapoor@constantinecannon.com
tsahakian@constantinecannon.com

Attorneys for the 7-Eleven Plaintiffs

**VORYS, SATER, SEYMOUR, AND
PEASE LLP**

/s/ James A. Wilson
James A. Wilson
Robert N. Webner
Douglas R. Matthews
Kimberly Weber Herlihy
Alycia N. Broz
Kenneth J. Rubin

On Behalf of Defendants:

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

/s/
Brette Tannenbaum
Nina Kovalenko
Gary R. Carney
1285 Avenue of the Americas
New York, NY 10019-6064
Tel.: (212) 373-3000
Fax: (212) 757-3990
btannenbaum@paulweiss.com
nkovalenko@paulweiss.com
gcarney@paulweiss.com

Kenneth A. Gallo
Donna M. Ioffredo
Lisa Danzig
2001 K Street, NW
Washington, D.C. 20006-1047
Tel.: (202) 223-7300
Fax: (202) 223-7420
kgallo@paulweiss.com
dioffredo@paulweiss.com
ldanzig@paulweiss.com

*Counsel for Defendants Mastercard
Incorporated and Mastercard International
Incorporated*

**ARNOLD & PORTER KAYE SCHOLER
LLP**

/s/
Robert J. Vizas
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111-4024
(415) 471-3100
robert.vizas@arnoldporter.com

52 East Gay Street
Columbus, OH 43215
(614) 464-6400
jawilson@vorys.com

GIBBS & BRUNS LLP

Kathy D. Patrick
Barrett Reasoner
Jorge M. Gutierrez, Jr.
Nick Beachy
Erica Krennerich
1100 Louisiana Street, Suite 5300
Houston, Texas 77002
(713) 650-8805
kpatrick@gibbsbruns.com

Attorneys for the Target Plaintiffs

Anne P. Davis
Matthew A. Eisenstein
601 Massachusetts Avenue, NW
Washington, D.C. 20001-3743
(202) 942-5000
anne.davis@arnoldporter.com
matthew.eisenstein@arnoldporter.com

**HOLWELL SHUSTER & GOLDBERG
LLP**

Michael S. Shuster
Demian A. Ordway
Jayme Jonat
425 Lexington Avenue
New York, NY 10017
(646) 837-5151
mshuster@hsgllp.com
dordway@hsgllp.com
jjonat@hsgllp.com

*Counsel for Defendants Visa Inc., Visa U.S.A.
Inc., and Visa International Service
Association*

MORRISON & FOERSTER LLP

/s/ _____
Michael B. Miller
250 West 55th Street
New York, NY 10019
(212) 468-8000
mbmiller@mofo.com

Natalie Fleming Nolen
2100 L Street, NW, Suite 900
Washington, D.C. 20037
(202) 887-1500
nflemingnolen@mofo.com

*Attorneys for Defendants Bank of America
Corp., Bank of America, N.A., and FIA Card
Services, N.A.*

**SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP**

/s/

Boris Bershteyn
Lara A. Flath
Kamali P. Willett
One Manhattan West
New York, NY 10001
(212) 735-3000
Boris.bershteyn@skadden.com
Lara.Flath@skadden.com
Kamali.willett@skadden.com

*Attorneys for Defendants JPMorgan Chase &
Co., Paymentech, LLC (and as successor to
Chase Paymentech Solutions, LLC), and
JPMorgan Chase Bank, N.A. (and as successor
to Chase Bank USA, N.A.)*

SIDLEY AUSTIN LLP

/s/

Benjamin R. Nagin
Thomas Andrew Paskowitz
787 Seventh Ave
New York, NY 10019
(212) 839-5300
bnagin@sidley.com
tpaskowitz@sidley.com

*Attorneys for Defendants Citigroup Inc.,
Citibank, N.A., and Citicorp Payments
Services, Inc. (now Citicorp Credit Services,
Inc. (USA))*

**PATTERSON BELKNAP WEBB &
TYLER LLP**

/s/

William F. Cavanaugh, Jr.

Amy N. Vegari

1133 Avenue of the Americas

New York, NY 10036

(212) 336-2000

wfcavanaugh@pbwt.com

avegari@pbwt.com

*Attorneys for Defendant Wells Fargo &
Company and Wells Fargo Bank, N.A.*

*To send
11-6-24
[Signature]*